COURT NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 3401 OF 2001 (S/S)

U.P. State Road Transport Corporation through
Regional Manager, Derhadun, Distt. Dehradun
..... Petitioner

Versus

1. Labour Court, U.P. Dehradun, Distt. Dehradun
2. Roadways Karmachari Sayukt Parishad Shakha, Hill Depot, Dehradun, Distt. Dehradun through its President Hukam Singh Rawat
3. Prem Singh Rawat, Secretary Roadways Karamchari Sayukt Parishad Shakha, Hill Depot, Dehradun, Distt. Dehradun

..... Respondents

Shri A.N. Sharma, ld. counsel for the petitioner.
Shri B.P.S. Mer holding brief of Shri M.C. Pant for Respondent No.2

Dated: 28.10.2005

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioner has prayed for writ of Certiorari quashing the impugned order dated 16.05.2001, passed by Respondent No.1-President Officer, Labour Court, Dehradun in Misc. Case No. 187 of 2000.

Brief facts of the case according to the petitioner are that a claim application was filed by 148 Drivers, 128 Conductors, 51 Clerks and 17 other workmen under Section 33-C(2) of the Industrial Disputes Act, 1947 for payment of arrears of overtime allowances since December, 1999 to March, 2000, 5% Dearness Allowance Since July 1999, to April, 2000 and also for arrears of salary arose out due to the implementation of recommendations of 5th pay commission. The learned Tribunal after considering the entire evidence on record allowed the application of the Respondent No.2 and ordered the petitioner to pay the amount of Rs. 19,07,704.34 under Section 33-C(2) of the Act

alongwith Rs. 100/- to each applicant as litigation expenses within a period of one month. It was also directed that if the said amount is not paid within the stipulated period, 12% interest shall also be payable to the workmen by the employers. Feeling aggrieved, this writ petition has been filed.

I have heard learned counsel for the parties and perused the entire evidence on record.

Before the learned Labour Court, the petitioner has accepted that recommendation of 5th pay commission is binding on the Corporation and according to the recommendation, the dues are payable to their employees. It was also accepted that the financial condition of the corporation is not good at present and as and when the financial condition will be improved, the dues shall be paid to the employees. Keeping in view the facts and circumstances of the case, the Tribunal has rightly ordered to pay the amount of Rs. 19,07,704.34 to the employee-workmen within a period of one month.

I do not find any force in the writ petition. The Labour Court has recorded the finding of fact, which does not call any interference.

The writ petition is devoid of merit and is dismissed. No order as to costs.

(P.C. Verma, J.)

Rajeev Dang